



2684  
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<b>REPLY/AMENDMENT FEE TRANSMITTAL</b>		Attorney Docket No.	614.1990		
		Application Number	09/358,546		
		Filing Date	July 22, 1999		
		First Named Inventor	Toru OZAKI et al.		
		Group Art Unit	2684		
AMOUNT ENCLOSED	110.00	Examiner Name	Charles Chiang Chow		
<b>FEE CALCULATION (fees effective 10/01/01)</b>					
CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	16	- 24 =	0	X \$ 18.00 =	\$ 0.00
INDEPENDENT CLAIMS	4	- 7 =	0	X \$ 84.00 =	0.00
Since an Official Action set an <u>original</u> due date of <u>July 9, 2003</u> , petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$410); 3 months (\$930); 4 months (\$1,450); 5 months (\$1,970)):					\$ 110.00
If Notice of Appeal is enclosed, add (\$320)					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110)					
Total of above Calculations =					\$ 110.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
TOTAL FEES DUE =					\$ 110.00
(1) If entry (1) is less than entry (2), entry (3) is "0".					
(2) If entry (2) is less than 20, change entry (2) to "20".					
(4) If entry (4) is less than entry (5), entry (6) is "0".					
(5) If entry (5) is less than 3, change entry (5) to "3".					
METHOD OF PAYMENT				RECEIVED AUG 12 2003 Technology Center 2600	
<input checked="" type="checkbox"/> Check enclosed as payment.					
<input type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below.					
<input type="checkbox"/> No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).					
GENERAL AUTHORIZATION					
<input checked="" type="checkbox"/> If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:					
Deposit Account No.		19-3935			
Deposit Account Name		STAAS & HALSEY LLP			
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
SUBMITTED BY: STAAS & HALSEY LLP					
Typed Name	Matthew Q. Ammon		Reg. No.	50,346	
Signature			Date	8.8.003	



Docket No.: 614.1990

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9/17/03  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Toru OZAKI et al.

Serial No. 09/358,546

Group Art Unit: 2685

Confirmation No. 1702

Filed: July 22, 1999

Examiner: C. Chow

For: PORTABLE COMMUNICATION DEVICE AND SYSTEM USING THE PORTABLE  
COMMUNICATION DEVICE AND ATTACHMENT FOR A PORTABLE  
COMMUNICATION DEVICE

RESPONSE TO OFFICE ACTION

RECEIVED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AUG 12 2003  
Technology Center 2600

Sir:

This is in response to the Office Action mailed on April 9, 2003, and having a period for response set to expire on July 9, 2003. A Petition for a one-month extension of time, together with the requisite fee for the same, is submitted herewith, thereby extending the period for response to August 9, 2003. August 9, 2003 being a Saturday, this Response is timely filed by Monday, August 11, 2003.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

In the Office Action mailed on April 9, 2003, claims 1 and 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda; claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Watts; claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Loder; claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Vatanen; claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Barabash; claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Forslund; claims 18

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and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Shitara; and claims 13, 15-16, and 26 were allowed. The foregoing rejections are respectfully traversed.

Claims 1-2, 5-11, 13, 15-19, and 26 are pending in the subject application, of which claims 1, 5, 13, and 26 are independent claims.

**Allowed Claims:**

The Applicants respectfully thank the Examiner for indicating that claims 13, 15-16, and 26 are allowable.

**Dependent Claims 17-19:**

Dependent claims are nonobvious under 35 U.S.C. § 103(a) if the independent claims from which they depend are nonobvious. In re Fine, 837 F.2d 1071, 1076; 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). Therefore, dependent claims 17-19 depend, directly or indirectly, from claim 13, and should therefore also be allowable. The Applicants respectfully request that the Examiner indicate the same on the next communication.

Because claims 17-19 should be allowable, as well as claims 13, 15-16, and 26, claims 1, 2, and 5-11 remain as the only claims rejected.

**Lack of Motivation to Combine Takayama and Nohda:**

The Examiner still has not adequately supported the motivation to combine Takayama and Nohda, as argued in the Amendments that were filed on October 3, 2002 and March 19, 2003. Without the proper motivation, the combination of references is improper, and the rejections under § 103(a) must be withdrawn. Specifically, the Examiner concludes that it would have been obvious to combine Takayama and Nohda, but the Examiner fails to assert the motivation to combine the two references, despite numerous attempts by the Applicants to remind the Examiner of his obligation to do the same (March 19, 2003 Amendment, p. 5; October 3, 2002 Amendment, p. 9-10).

Therefore, the Applicants incorporate their previous arguments by reference herein, and

respectfully request that the Examiner review the same and either (1) provide the adequate motivation to combine Takayama and Nohda or (2) withdraw the remaining rejections, which are all based on a combination of Takayama and Nohda.

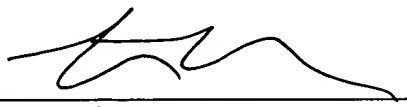
Withdrawal of the foregoing rejections is respectfully requested.

There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8.8.2003

By:   
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